

Illegal Open Dumps: 2003 -2014

- Significant cleanup, education and enforcement efforts have resulted in far fewer dumps created since passage of HB 174 in 2002. HB 174 provided local funding for illegal dump and litter cleanups. The grant funding comes from the \$1.75 tipping fee paid at landfills and transfer stations.
- From 2003 – 2005, the dump cleanups were on a reimbursement method and during that time, 1,252 dumps were cleaned at a cost of \$6 million.



Illegal Open Dump Grants

- **THE ILLEGAL OPEN DUMP GRANT PROGRAM WAS INSTITUTED IN 2006 by SB 50. The following guidelines apply to the dump grants:**
 - Only available to counties
 - Must be in compliance with SWMP to apply
 - Enter into a grant agreement
 - Employ a SWC with enforcement powers
 - Provide a 25% match (up to \$50,000)



Illegal Open Dump Grants Cont.

- The grants apply for cleanup on both public and private property. The county should schedule cleanup within one year of identifying the dump unless longer time is approved by the cabinet.
- The county should also prioritize cleanup of illegal open dumps and develop procedures to prevent recurrence of illegal open dumps.



Illegal Open Dump Grants Cont.

- The dump grant period is 14 months --January through February of the following year. The applications are made available on August 1st of each year and due back by November 1st (or the Monday following if it falls on a weekend).
- With the grant application will be a grant agreement. PLEASE read the grant agreement carefully.



Illegal Open Dump Grants Cont.

- The Illegal Open Dump Grant has a 25% match requirement on all dumpsites costing less than \$50,000.
- Individual illegal open dumps estimated to cost more than \$50,000 may not require a match. If a dumpsite is estimated to cost \$50,000 and actual cleanup cost is less, the Cabinet may require the county to provide a match.



Illegal Open Dump Grants Cont.

- Should any changes be made to the dump grant program from year to year, it is reflected in the cover letter for the grant application and in the grant agreement.
- Once a county identifies a dumpsite (or multiple dumpsites), they are to contact its local Division of Waste Management Field Office to request a pre-inspection on the site (sites).



Illegal Open Dump Grants Cont.

- Once the field office is contacted, they will contact the county within three days to schedule a date and time with the county SWC or county representative to conduct the inspection.
- Hopefully the pre-inspection can be conducted when there is not as much foliage and good pictures can be taken. We suggest you try to contact the field office when foliage is down.



Illegal Open Dump Grants Cont.

- All dumpsites must have a pre-inspection to be eligible for the dump grant. Once again, the inspection is to be made prior to submitting the application.
- Once the pre-inspections are conducted, the county will complete the dump grant application which also includes an Estimated Expense Worksheet. This worksheet must be completed on each individual dumpsite.



Illegal Open Dump Grants Cont.

- The field office will provide the county with a copy of the pre-inspection. **HOWEVER**, if the field office has not sent you the pre-inspection by the time the dump grant is due, please send the application to us. We can get the pre-inspection from the field office.
- **DO NOT** hold up your application waiting on the inspection.



Illegal Open Dump Grants Cont.

- The cost estimate in the application is an “ESTIMATE”. We suggest that you overestimate the cost of the cleanup (not excessively) in the event of unforeseen circumstances. It is better to have the funds up front instead of having to use the general funds and seek reimbursement. The funding that is not spent on the site can be sent back to the Cabinet.



Illegal Open Dump Grants Cont.

- The dump grant funds shall only be used for the cleanup of those illegal open dumps identified in the approved grant application.
- For counties that are cleaning multiple dumps, the use of funding remaining from one dump to clean another dump that exceeds the approved grant amount is subject to state approval.



Illegal Open Dump Grants Cont.

- Due to limitations in available grant funds, DWM has instituted a prioritization process and it is likely that not all eligible grant requests will be awarded.
- The prioritization process will rank all sites based on their location relative to sensitive receptors or protected areas (streams, wetlands, etc); the relative hazard posed by the contents of the dump; and the size of the dump.



Illegal Open Dump Grants Cont.

- In order to control costs and ensure that grant money is appropriately distributed, there will be an increased emphasis on making certain that illegal open dump cleanups are consistent in scope and scale across the state.
- In situations where cost estimates appear excessive, that grant request may either be denied, or the amount awarded reduced.



Illegal Open Dump Grants Cont.

- Again, the applications are due by November 1st (or the following Monday) of each year.
- Once the application is received in our office, a committee meets and then the application is reviewed in detail with the local assistance staff person for that county. The local assistance staff for each county will make phone calls to the counties or local field office in regard to individual dumpsites should questions arise.



Illegal Open Dump Grants Cont.

- There may be times that the staff will make a trip to the county to look at the dumpsite and to help determine the cost of cleanup.
- During the review period, a Review Committee meets to answer questions and to assist staff in the review.



Illegal Open Dump Grants Cont.

- Once all grants are reviewed, the committee meets to finalize the funding. The committee has the right to reduce the funding amount requested by the county.
- A press release will be sent out and the county will receive an award letter with the exact amount for each dumpsite. The check for the funding will follow a few days after the letter.



Illegal Open Dump Grants Cont.

- Once the county receives the check, it should be designated in a line item for state grants.
- If a contractor is to be used to perform the cleanup of the illegal open dump, competitive sealed bids are required for any individual dumpsite estimated to exceed \$20,000.



Illegal Open Dump Grants Cont.

- DWM is not in charge of the bid process – each county conduct their bid process in different manners.
- The county should incorporate in their bid packets **“that only the actual, documented costs of remediation as itemized in detail”** are eligible for funding, even if a contract amount is higher. Therefore, the contractors will know up front to provide the county with a breakdown of expenses.



Illegal Open Dump Grants Cont.

- The county should notify the regional field office of the days that the cleanup will take place.
- All dumpsites on the application are to be remediated by February 28th of the following year of award. Once the cleanups are completed, the county will once again contact the regional field office for a post inspection on the site.



Illegal Open Dump Grants Cont.

- The county is required to submit a completed Illegal Open Dump Grant Program Final Expense Worksheet for each illegal open dump identified within the project. The counties may submit the final expense worksheet within 30 days of project completion, but shall submit it no later than March 31st.



Illegal Open Dump Grants Cont.

- Part of the Final Expense Worksheet is a contractor sheet. Only the actual, documented costs of remediation as itemized in detail on the worksheet are eligible for funding, even if a contract amount is higher. This is true even if cleanup was done by a contractor under a lump-sum bid – only the actual documented costs of remediation as itemized in detail on the Contractor Cost Sheet (page 3 of the Final Expense Worksheet) are eligible for funding.



Illegal Open Dump Grants Cont.

- The Employee Labor Timesheet shall be completed for each dump. A separate timesheet shall be submitted for each county employee. The timesheets shall be attached to the Final Expense Worksheet.
- REMINDER --- All closeout documentation is due in our office NO LATER than March 31st.



Illegal Open Dump Grants Cont.

- Some counties clean the dumpsites prior to submittal of the application and seek reimbursement on the application. If your county can do this, that is great but not all counties have funding available up front to do the cleanup(s). There is no guarantee of funding on reimbursements.



Illegal Open Dump Grants Cont.

- Reimbursement Grants – the county needs to:
 - Get a pre-inspection before cleaning the dumpsite.
 - Provide a cost estimate to DWM or requests that DWM personnel be on site during the cleanup.
 - Get a post inspection to verify the dump was properly cleaned before submittal of the application.

Note that the application will be subject to the prioritization ranking, funding availability and other applicable criteria in the grant cycle in which it is submitted.



Illegal Open Dump Grants Cont.

- Reimbursement grants are closed as soon as the checks are sent to the county for the funding.
- NOTE: In the event the project budget is insufficient to complete the dump cleanup, the county is responsible for completing the cleanup and covering the cost difference on its own expense. If the county notifies and receives the



Illegal Open Dump Grants Cont.

- concurrence of DWM on the presence of unexpected site conditions or volumes of waste that were not evident during the pre-inspection, the county then has the option to pursue a reimbursement grant in a later grant cycle. DWM may decline to award reimbursement grants for sites where it is not clear that unforeseen site conditions or volumes of waste were encountered, or due to limited funds in that grant cycle.



Illegal Open Dump Grants Cont.

- Once the closeout documentation is submitted to our Branch, it is given to the individual staff person for that county to review.
- The DWM staff has 45 days to review the closeout documentation and either request refunds from the county or close the grant.



Illegal Open Dump Grants Cont.

- If the county needs to reimburse the Cabinet for unspent grant funding, that reimbursement should be received within 45 days of notification that money needs to be returned.
- Funding was just sent out for the 2016 grants.
- QUESTIONS???



Illegal Open Dump Grants: 2006-2014

TOTAL AMOUNT AWARDED **\$20,838,001.57**

TOTAL AMOUNT REFUNDED **\$ 6,193,335.97**

TOTAL AMOUNT SPENT **\$14,644,665.60**

TOTAL DUMPSITES CLEANED **1,692**

AVERAGE COST PER DUMP **\$8,655.23**

